

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker et al. )

For: METHOD AND APPARATUS )  
 FOR FACILITATING THE )  
 PLAY OF FRACTIONAL )  
 LOTTERY TICKETS )  
 UTILIZING POINT-OF-SALE )  
 TERMINALS )

Examiner: Not Yet Assigned

Serial No.: 09/045,036 )

Group Art Unit: 3642 )

Filing Date: March 20, 1998 )

Docket No.: 97-558 )

**MAILED**  
 APR 20 2000  
 Group 2700



ATTN: Examiner James Myhre  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

**RESUBMISSION OF INFORMATION DISCLOSURE STATEMENTS PAPER**  
**NO. 3 AND 4**

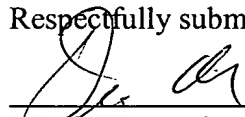
Sir:

Pursuant to the request of Examiner James W. Myhre, applicants hereby resubmit herewith Paper No. 3 and 4, two Information Disclosure Statements that were filed in the above-identified case on January 21, 1999 and August 18, 1999, respectively.

The Commissioner is hereby authorized to charge any fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

April 17, 2000  
 Date

Respectfully submitted,

  
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 Attorney for Applicants  
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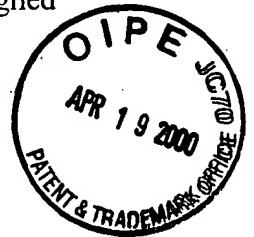
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Assistant Commissioner for Patents  
 Washington, D.C. 20231



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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

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APR 20 2000  
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- A. U. S. Patent No. 3,573,747 entitled "INSTINET COMMUNICATIONS SYSTEM FOR EFFECTUATING THE SALE OR EXCHANGE OF FUNGIBLE PROPERTIES BETWEEN SUBSCRIBERS", ISSUED TO Charles W. Adams et al. on April 6, 1971
- B. U. S. Patent No. 4,108,361 entitled "UNIVERSAL MARK SENSE BETTING TERMINAL SYSTEM AND METHOD", issued to Stephen R. Krause on August 22, 1978.
- C. U. S. Patent No. 4,323,770 entitled "UNIT PARTICULARLY FOR TAKING STAKES AND POSSIBLE DETERMINING THE WINNERS IN A GAME SUCH AS A NATIONAL LOTTO GAME", issued to Gerard Dieulot et al. on April 6, 1982.
- D. U. S. Patent No. 4,494,197 entitled "AUTOMATIC LOTTERY SYSTEM", issued to Seymour Troy et al. on January 15, 1985.
- E. U. S. Patent No. 4,500,880 entitled "REAL TIME, COMPUTER-DRIVEN RETAIL PRICING DISPLAY SYSTEM", issued to Earl R. Gomersall, et al on February 19, 1985.
- F. U. S. Patent No. 4,669,730 entitled "AUTOMATED SWEEPSTAKES-TYPE GAME", issued to Maynard E. Small on June 2, 1987.
- G. U. S. Patent No. 4,677,553 entitled "SECURE PLACEMENT OF CONFIDENTIAL INFORMATION ON A CIRCULATED BLANK TICKET", issued to Brian J. Roberts et al. on June 30, 1987.
- H. U. S. Patent No. 4,689,742 entitled "AUTOMATIC LOTTERY SYSTEM, issued to Seymour Troy et al. on August 25, 1987.
- I. U. S. Patent No. 4,760,247 entitled "OPTICAL CARD READER UTILIZING AREA IMAGE PROCESSING", issued to Martin Keane et al. on July 26, 1988.
- J. U. S. Patent No. 4,815,741 entitled "AUTOMATED MARKETING AND GAMING SYSTEMS", issued to Maynard E. Small on March 28, 1989.
- K. U. S. Patent No. 4,825,045 entitled "SYSTEM AND METHOD FOR CHECKOUT COUNTER PRODUCT PROMOTION", issued to David R. Humble on April 25, 1989.

- L. PCT International Publication WO 97/46961 entitled "POINT OF SALE PURCHASING VALUE ACCUMULATION SYSTEM", Roland Koch et al. published December 11, 1997.
- M. "Cape Town", Reuters, November 8, 1979, Thursday PM Cycle.
- N. "Save The Mark", Financial Times (London), February 1, 1983, Section I: Men & Matters at Pg. 12.
- O. U. S. Patent No. 4,839,507 entitled "METHOD AND ARRANGEMENT FOR VALIDATING COUPONS", issued to Lance May on June 13, 1989.
- P. U. S. Patent No. 4,854,590 entitled "CASH REGISTER GAMING DEVICE", ISSUED To Daniel Jolliff et al. on August 8, 1989.
- Q. U. S. Patent No. 4,859,838 entitled "POS TERMINAL DEVICE", issued to Ryoichi Okiharu on August 22, 1989.
- R. U. S. Patent No. 4,882,473 entitled "ON-LINE WAGERING SYSTEM WITH PROGRAMMABLE GAME ENTRY CARDS AND OPERATOR SECURITY CARDS", issued to Daniel R. Bergeron on November 21, 1989.
- S. U. S. Patent No. 4,910,672 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to George W. Off et al. on March 20, 1990.
- T. U. S. Patent No. 4,922,522 entitled "TELECOMMUNICATIONS ACCESS TO LOTTERY SYSTEMS", issued to John M. Scanlon on May 1, 1990.
- U. U. S. Patent No. 4,937,853 entitled "LOTTERY AGENT DATA COMMUNICATION/TELEPHONE LINE INTERFACE", issued to Jean D. Brule et al. on June 26, 1990.
- V. U. S. Patent No. 4,982,337 entitled "SYSTEM FOR DISTRIBUTING LOTTERY TICKETS", issued to Robert L. Burr et al. on January 1, 1991.
- W. U. S. Patent No. 4,993,714 entitled "POINT OF SALE LOTTERY SYSTEM", issued to Cecelia K. Golightly on February 19, 1991.
- X. U. S. Patent No. 5,056,019 entitled "AUTOMATED PURCHASE REWARD ACCOUNTING SYSTEM AND METHOD", issued to John Schultz et al. on October 8, 1991.

- Y. U. S. Patent No. 5,119,295 entitled "CENTRALIZED LOTTERY SYSTEM FOR REMOTE MONITORING OR OPERATIONS AND STATUS DATA FROM LOTTERY TERMINALS INCLUDING DETECTION OF MALFUNCTION AND COUNTERFEIT UNITS", issued to Shashi B. Kapur on June 2, 1992.
- Z. Jan Greene, "Farm Bills Please Associations; National Grocers Association", Supermarket News, December 23, 1985, Volume 35 at Pg. 6.
- AA. "POS Spectrum: A Lottery Looks to POS for Growth", POS News, January 1989 Vol. 5, No. 7 at Pg. 8.
- BB. U. S. Patent No. 5,177,342 entitled "TRANSACTION APPROVAL SYSTEM", issued to Carl A. Adams on January 5, 1993.
- CC. U. S. Patent No. 5,216,595 entitled "SYSTEM AND METHOD FOR INTEGRATION OF LOTTERY TERMINALS INTO POINT OF SALE SYSTEMS", issued to Robert L. Protheroe on June 1, 1993.
- DD. U. S. Patent No. 5,223,698 entitled "CARD-ACTIVATED POINT-OF-SALE LOTTERY TERMINAL", issued to Shashi B. Kapur on June 29, 1993.
- EE. U. S. Patent No. 5,231,569 entitled "ACCOUNT TRANSACTION SYSTEM", issued to Larry H. Myatt et al. on July 27, 1993.
- FF. U. S. Patent No. 5,239,165 entitled "BAR CODE LOTTERY TICKET HANDLING SYSTEM", issued to Jeffrey M. Novak on August 24, 1993.
- GG. U. S. Patent No. 5,243,515 entitled "SECURE TELEPROCESSING BIDDING SYSTEM", issued to Wayne M. Lee on September 7, 1993.
- HH. U.S. Patent No. 5,256,863 entitled "IN-STORE UNIVERSAL CONTROL SYSTEM," issued to Ferguson et al. on October 26, 1993.
- II. U. S. Patent No. 5,262,941 entitled "EXPERT CREDIT RECOMMENDATION METHOD AND SYSTEM", issued to Emery F. Saladin et al. on November 16, 1993.
- JJ. U. S. Patent No. 5,274,547 entitled "SYSTEM FOR GENERATING AND TRANSMITTING CREDIT REPORTS", issued to George S. Zoffel et al. on December 28, 1993.

- KK. U. S. Patent No. 5,283,731 entitled "COMPUTER-BASED CLASSIFIED AD SYSTEM AND METHOD", issued to James E. Lalonde et al. on February 1, 1994.
- LL. U. S. Patent No. 5,287,268 entitled "CENTRALIZED CONSUMER CASH VALUE ACCUMULATION SYSTEM FOR MULTIPLE MERCHANTS", issued to Patrick D. McCarthy on February 15, 1994.
- MM. Robert Kuttner, "Computers May Turn The World Into One Big Commodities Pit", Business Week, September 11, 1989, Economic Viewpoint Section at p. 17.
- NN. Michael Schrage, "An Experiment in Economic Theory: Labs Testing Real Markets", The Record, November 26, 1989, Sunday, All Editions, Business Section at Pg. B01.
- OO. U. S. Patent No. 5,297,031 entitled "METHOD AND APPARATUS FOR ORDER MANAGEMENT BY MARKET BROKERS", issued to Burton J. Gutterman et al. on March 22, 1994.
- PP. U. S. Patent No. 5,309,355 entitled "AUTOMATED SALES SYSTEM", issued to Lawrence B. Lockwood on May 3, 1994.
- QQ. U. S. Patent No. 5,420,606 entitled "INSTANT ELECTRONIC COUPON VERIFICATION SYSTEM", issued to Paul G. Begum et al. on May 30, 1995.
- RR. U. S. Patent No. 5,459,306 entitled "METHOD AND SYSTEM FOR DELIVERING ON DEMAND, INDIVIDUALLY TARGETED PROMOTIONS", issued to Buddy Stein et al. on October 17, 1995.
- SS. U. S. Patent No. 5,504,475 entitled "PRICING DISPLAY SYSTEM issued to Michael Houdou et al. on April 2, 1996.
- TT. U. S. Patent No. 5,572,653 entitled "REMOTE ELECTRONIC INFORMATION DISPLAY SYSTEM FOR RETAIL FACILITY", issued to William C. DeTemple et al. on November 5, 1996.
- UU. U. S. Patent No. 5,592,375 entitled "COMPUTER-ASSISTED SYSTEM FOR INTERACTIVELY BROKERING GOODS OR SERVICES BETWEEN BUYERS AND SELLERS", issued to Bardwell C. Salmon et al. on January 7, 1997.

- VV. U. S. Patent No. 5,592,376 entitled "CURRENCY AND BARTER EXCHANGE DEBIT CARD AND SYSTEM", issued to Joel Hodroff on January 7, 1997.
- WW. U. S. Patent No. 5,611,052 entitled "LENDER DIRECT CREDIT EVALUATION AND LOAN PROCESSING SYSTEM", issued to Diana R. Dykstra et al. on March 11, 1997.
- XX. U. S. Patent No. 5,615,269 entitled "IDEAL ELECTRONIC NEGOTIATIONS", issued to Silvio Micali on March 25, 1997.
- YY. U. S. Patent No. 5,621,201 entitled "AUTOMATED PURCHASING CONTROL SYSTEM", issued to Stephen Langhans et al. on April 15, 1997.
- ZZ. "Let's Play the Cash Register Receipts Lottery", The New York Times, December 25, 1990, Late Edition – Final Section 1 at Pg. 30.
- AAA. "Philips Offers Customers Financing Through Citicorp; Philips Medical Systems North America, Citicorp North America Inc.", Health Industry Today, June, 1991, Vol. 54; No. 6; ISSN: 0745-4678 at p. 4.
- BBB. U. S. Patent No. 5,632,010 entitled "TECHNIQUE FOR COMMUNICATING WITH ELECTRONIC LABELS IN AN ELECTRONIC PRICE DISPLAY SYSTEM", issued to George T. Briechele et al. on May 20, 1997.
- CCC. U. S. Patent No. 5,664,115 entitled "INTERACTIVE COMPUTER SYSTEM TO MATCH BUYERS AND SELLERS OF REAL ESTATE, BUSINESSSED AND OTHER PROPERTY USING THE INTERNET", issued to Richard Fraser on September 2, 1997.
- DDD. Laura Del Rosso, "Marketel Says It Plans To Launch Air Fare 'Auction' In June", Travel Weekly, April 29, 1991, Vol. 50; No. 34 at Pg. 1.
- EEE. Jeff Peline, "Travelers Bidding on Airline Tickets SF Firm Offers Chance For Cut-rate Fares", The San Francisco Chronicle, August 19, 1991, Monday, Final Edition at Pg. A4.
- FFF. Laura Del Rosso. "Ticket-bidding Firm Closes Its Doors; Marketel International; Brief Article", Travel Weekly, March 12, 1992, Vol 51; No 21; ISSN: 0041-2082 at p. 1.
- GGG. "Winn-Dixie/ The Salvation Army Report Contribution For War Against Hunger", PR Newswire, June 10, 1993, Financial News Section.

- HHH. Jeanne Jones, "Data Readers Streamline Management; Scanner Technology Aids Retailers As Well As Plants, Wholesalers", The Houston Post, June 26, 1994, Business Section at Pg. D1.
- III. Phillip Fiorini, "'No Place For Penny?' Smallest Coin Doesn't Make Cents to Some", USA Today, July 29, 1994, Final Edition at p. 1A.
- JJJ. Alison Smith, "Survey of UK Consumer Credit and Asset Finance", Financial Times, November 3, 1994 at p. VI.
- KKK. Tom Andreoli, Jeff Borden, Beth Healy, Steven R. Strahler and Mark Veverka, "Cash Machines Offer A Whole Lotto Money For Withdrawal...", Crain's Chicago Business, June 19, 1995, News Section at p. 8.
- LLL. "Spain: BBV Launches New Card", Cards International, June 22, 1995 at p. 5.
- MMM. Jim Knippenberg, "Psst! Will Local Radio Empires Strike Back?", The Cincinnati Enquirer, July 23, 1995 at Pg. F01.
- NNN. "CYBER BID", Net Fund Ltd., Copyright 1996, Brochure.
- OOO. Kimberly Hadley, "Pastors Praying Anti-arson Effort Will Burn Bias", The Nashville Banner, July 26, 1996 at Pg. A13.
- PPP. John Gapper, "NatWest Reports Rise in Bad Debt", Financial Times, July 31, 1996, London Edition 3, News: UK Section at Pg. 09.
- QQQ. LYNX TECHNOLOGY: Lynx To Provide Business Leasing Programme Through Schroder Leasing", M2 Presswire, August 9, 1996.
- RRR. Paul Taylor, "Towards a Dream Market", Financial Times (London), September 4, 1996 at p. 03.
- SSS. Gilbert Rehayem, "Opinion: X-Press Betting", LaFleur's Lottery World, February 7, 1997 at p. 4.
- TTT. Michelle Singletary, "Electronic World, Unchecked Problem? U. S. Move to Paperless Payments Raises Worries About Those Who Don't Use Banks", The Washington Post, March 4, 1997, Final Edition Financial Section at p. C01.
- UUU. Avco Financial Services", National Home Furnishing Association, (<http://www.homefurnish.com/NHFA/avco.htm>), download date: May 23, 1997.
- VVV. "Products and Services: Checkout Direct", Catalina Marketing Corporation, (<http://catalinamktg.com/prodcdir.htm>), download date: May 29, 1997.

- WWW. Bertram V. Burke, "Funneling Change to Useful Pursuits", The New York Times, June 9, 1997, Section D; at Pg. 2, (Note: article is located on 2<sup>nd</sup> page of attached copy).
- XXX. "The Key To Your Identity: Falling Costs Will Allow Fingerprint Verification to be Widely Used, Reports Geoff Naim", Financial Times (London), July 15, 1997, Technology Section at p. 12.
- YYY. "The United Computer Exchange, How It All Works", The United Computer Exchange Corporation, (<http://www.uce.comhowitworks.htm>), download date: July 23, 1997.
- ZZZ. "Classifieds2000: The Internet Classifieds", Classifieds2000, Inc. (<http://www.classifieds2000.com/cgi-cls/Display.exe?C2K+aboutus>), download date: August 6, 1997.
- AAAA. "General Trading Floor Information and Terms Provided by tradingfloor.com", (<http://www.tradingfloor.com/info.htm>), download date: August 14, 1997.
- BBBB. "NASDAQ – Information Sheet", (<http://home.axford.com/corfin/corfl1.htm>), download date: August 15, 1997.
- CCCC. Kathy Prochaska-Cue, "Acquiring Credit", (<http://ianrwww.unl.edu/IAN/PUBS/NEBFACTS/NF91-2HTM>), download date: September 3, 1997.
- DDDD. "Welcome to ONSALE: Auction Supersite", ONSALE, (<http://www.onsale.com/category/inv/00124972.htm>), download date: September 8, 1997.
- EEEE. "About IAO", Interactive Auction Online, (<http://www.iaoauction.com/about.htm>), download date: September 8, 1997.
- FFFF. John Kelsey, Bruce Schneier, "Conditional Purchase Orders", Fourth ACM Conference on Computer Communication Security, April 1997, ACM Press at Pg. 117-124.
- GGGG. Kimball Livingston, "In-Store Systems – VideOcart Redux", RT Magazine, March 1998 at Pg. 29-30.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☒ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
08/946508	Walker et al	10/7/97	2761	
09/076409	Walker et al.	5/12/98	2761	
09/083689	Van Luchene	5/21/98	2761	
09/083483	Walker et al.	5/22/98	2761	
09/085424	Walker et al.	5/27/98	1773	
09/107971	Van Luchene	6/30/98	3642	

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
  - b. the attached petition requesting consideration of this Information Disclosure Statement; and
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
  - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
  - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:

- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



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August 18, 1999  
Date